

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO. JKB-21-0458

ELIAS NICK COSTIANES,

*

Defendant.

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* * * * *

MEMORANDUM AND ORDER

Pending before the Court is Defendant's Motion for Non-Custodial Transportation and Subsistence for Trial. (ECF No. 51.) He explains that he "does not have the financial ability to pay the transportation expenses from Morgantown, West Virginia and return and hotel and other expenses for 3-4 days in Baltimore, Maryland" for the trial in this case. (*Id.*) He seeks an order pursuant to 18 U.S.C. § 4285 directing the "U.S. Marshals [S]ervice to pay transportation and subsistence to the defendant for his appearance at the trial." (*Id.*) The Motion will be denied.

Under 18 U.S.C. § 4285, the Court:

[M]ay, when the interests of justice would be served thereby and the United States judge or magistrate judge is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination.

Defendant has provided no detail regarding his inability to pay, and the Court notes that his counsel is presently retained, rather than appointed. Further, to the extent that Defendant seeks payment beyond transportation to trial and his period of travel, “the statute does not authorize payment of subsistence during the period of trial; it authorizes payment only for the travel to court and subsistence during the period of travel.” *United States v. Gundersen*, 978 F.2d 580, 584 (10th Cir. 1992). Therefore, upon the record presently before the Court, Defendant’s Motion will be denied.

Accordingly, it is ORDERED that Defendant’s Motion (ECF No. 51) is DENIED.

DATED this 12 day of May, 2023.

BY THE COURT:

A handwritten signature in blue ink, reading "James K. Bredar", is written over a horizontal line.

James K. Bredar
Chief Judge